

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JUSTIN DUFOE, on Behalf of Himself and All  
Others Similarly Situated,

Plaintiff,

v.

DRAFTKINGS INC., JASON D. ROBINS,  
JASON K. PARK, and MATTHEW KALISH,

Defendants.

Case No 23-cv-10524-DJC

**CLASS ACTION**

**JOINT STIPULATION AND PROPOSED ORDER  
REGARDING TIME TO ANSWER OR OTHERWISE PLEAD**

WHEREAS, Plaintiff commenced this Action by filing a complaint dated March 9, 2023 (the “Complaint”) (ECF No. 1);

WHEREAS, Plaintiff served Defendant DraftKings Inc. on March 27, 2023 (ECF No. 4);

WHEREAS, the Complaint asserts federal securities claims arising under the Securities Act of 1933 and Securities Exchange Act of 1934 and is governed by the provisions of the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4; and

WHEREAS, the parties have agreed to a schedule that extends Defendants’ time to respond to the Complaint until after a Lead Plaintiff has been appointed and an amended or consolidated complaint has been filed.

IT IS HEREBY STIPULATED AND AGREED among the undersigned parties, subject to the Court’s approval, as follows:

1. Without waiving any rights, defenses, or other objections, undersigned counsel for Defendants is authorized to and has waived service of the Complaint on behalf of all Defendants;

2. Defendants shall not be required to answer or otherwise respond to the Complaint; and,
3. Following entry of an order by the Court pursuant to the PSLRA selecting a Lead Plaintiff(s) and appointing Lead Counsel, counsel for Defendants and Lead Counsel shall confer and submit a proposed schedule for the filing of an amended complaint and Defendants' response thereto.

Dated: April 17, 2023

**BERMAN TABACCO**

/s/ Patrick T. Egan

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Respectfully submitted,

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*Counsel for Defendants*

**IT IS SO ORDERED.**

DATE: \_\_\_\_\_

**HON. DENISE J. CASPER**  
**UNITED STATES DISTRICT JUDGE**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing.

I further declare that on April 17, 2023, I caused to be served the foregoing document by transmitting a true and correct Portable Document Format (PDF) copy via email to the person(s) at the email address(es) set forth below:

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